IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.659 OF 1997

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.G.Kudle for the petitioner.
Mr.I.M.Khairadi with Mr.V.B.Naik for respondent nos.1 and 2.
Mr.P.P.Kakde AGP for respondent nos.3 and 4.

CORAM: V.G.PALSHIKAR,AG.C.J. &
D.B.BHOSALE, J.

DATED: 6TH DECEMBER, 2005

P.C.:

. By this petition, the petitioner seeks quashing of the communication dated 16th January, 1997 on the ground that it is contrary to the Rules. Under the Rules the petitioner is entitle to graduate scale from the date he acquires necessary qualification of graduation and diploma in education of two years. This was acquired by the petitioner in the year 1978 and hence she prays that the graduate scale be granted to her from 1978. The only objection taken in the reply is that her acquisition of the qualification of B.A. was without prior permission of the institute and,

therefore, it need not be granted without going into question whether such prior permission was obtained or not. In view of the clear position in law that the person mentioned in item No.6 and 7 of the M.E.P.S. Rules is not required to be governed by the clause of appointment being prior to 1.10.1970. The petitioner though appointed in 1973 is claiming scale from 1978 when she completed graduation. In our opinion, the petition is entitled to be allowed. We, therefore, direct respondent no.1 to submit the proposal of B.Ed scale of the petitioner with effect from June 1978 within four weeks from the date of receipt of this order and on receipt of such proposal respondent nos.3 and 4 shall decide within four weeks therefrom in accordance with law. The petition is, accordingly, disposed of.

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